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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

v.

WILLIAM GREEN,

Defendant.

Criminal No. 19-525

Hon. Kevin McNulty, U.S.D.J.

**DECLARATION OF MICHAEL
V. GILBERTI IN SUPPORT OF
DEFENDANT'S MOTION FOR
EARLY RELEASE FROM
LOCATION MONITORING**

I, Michael V. Gilberti, hereby declare:

1. I am counsel representing defendant William Green in this case. I have knowledge of the matters set forth in this Declaration and submit it in support of Mr. Green's motion for his early release from home detention with Location Monitoring.

2. On December 8, 2021, the Court sentenced Mr. Green to a term of 3 years probation with "home detention for a period of 8 months . . . with Location Monitoring" A true and correct copy of the Court's Judgment in this case is attached to and made a part of this Declaration as Exhibit A. *See* Ex. A, page 2.

3. In addition, the Court ordered Mr. Green to pay a fine of \$80,000. *See* Ex. A, p. 6.

5. According to the Probation Office, since that time, Mr. Green has complied fully with all terms and conditions of the Judgment, including Location Monitoring.

6. Since December 2021, Mr. Green has experienced, and it appears he will continue to experience, great economic difficulty.

7. Mr. Green is presently making about a third of the income he was making before this case.

(a) COVID and post-COVID factors have greatly contributed to the problem.

(b) He sells copiers and copier parts, and a good number of his customers are hesitant to make any substantial purchases due to the present uncertain economic conditions.

(c) In addition, for similar reasons, new customers have been hesitant to make substantial purchases, especially with new suppliers.

8. As a result, he is having difficulty meeting his monthly expenses, including mortgage (about \$5,000 a month – he was able to handle it at his previous income level).

9. Further, the increased burden of taking care of his 91 year old mother, his children and his nephews weighs more heavily at his present income level. Overall, the economic pressure on him and his family is great.

10. The solution is to sell his house and move to a less expensive area. In the present “hot” market, he should be able to sell his home for a premium – although his present debts, including a good portion of the \$80,000 fine, and other expenses will eat up some of his profit. Nonetheless, he should have sufficient money to move to less expensive area.

11. To take advantage of this market and to prevent even greater economic harm, it is

important for Mr. Green to act quickly.

12. Mr. Green and his family are considering moving to a less expensive area, specifically Tennessee and South Carolina.

13. To conduct a proper search, Mr. Green needs to have the ability to leave New Jersey and visit these areas (look at neighborhoods, schools and other surroundings).

14. However, according to Mr. Green's probation officer, Probation may not remove the monitor without Court permission.

15. Further, apparently for technical reasons, Probation cannot relocate the Location Monitor to another area outside New Jersey.

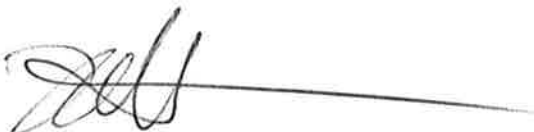
16. We have made a request to the government and to the Probation Office for the early removal of Mr. Green's Location Monitoring. The government and the Probation Office have consented to this arrangement.

17. Mr. Green understands that, if the Court grants this request, all other terms and conditions of his sentence will remain in full force and effect.

18. As a result, Mr. Green requests that the Court enter an Order releasing him from the remainder of his term of home detention with Location Monitoring.

I hereby declare under penalty of perjury that the foregoing statements are true and correct.

Executed on: May 28, 2022



MICHAEL V. GILBERTI

EXHIBIT A

UNITED STATES DISTRICT COURT
District of New Jersey

UNITED STATES OF AMERICA

v.

CASE NUMBER 2:19-CR-00525-KM-1

WILLIAM GREEN

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, WILLIAM GREEN, was represented by MICHAEL V. GILBERTI, ESQ.

The defendant pleaded guilty to Count 1 of the INDICTMENT on 4/5/2021. Accordingly, the court has adjudicated that the defendant is guilty of the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date of Offense</u>	<u>Count Number</u>
18:1960	OPERATING AN UNLICENSED MONEY TRANSMITTING BUSINESS	8/2017-2/2019	1

As pronounced on December 8, 2021, the defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant must pay to the United States a special assessment of \$100.00 for Count 1 of Indictment, which shall be due immediately. Said special assessment shall be made payable to the Clerk, U.S. District Court.

It is further ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material change in economic circumstances.

Signed this 8TH day of December, 2021.

/s/ Kevin McNulty

Kevin McNulty
U.S. District Judge

Defendant: WILLIAM GREEN
Case Number: 2:19-CR-00525-KM-1

PROBATION

You are hereby sentenced to probation for a term of 3 years.

While on probation, you must not commit another federal, state, or local crime, must refrain from any unlawful use of a controlled substance and must comply with the standard conditions that have been adopted by this court as set forth below.

You must submit to one drug test within 15 days of commencement of probation and at least two tests thereafter as determined by the probation officer.

You must cooperate in the collection of DNA as directed by the probation officer.

If this judgment imposed restitution, you must make restitution in accordance with 18 U.S.C. §§ 2248, 2259, 2264, 2327, 3663, 3663A, and 3664. You must pay the assessment imposed in accordance with 18 U.S.C. §3013. If this judgment imposed a fine, you must pay in accordance with the Schedule of Payment sheet of this judgment. You must notify the court of any material change in your economic circumstances that might affect your ability to pay restitution, fines, or special assessments.

You must comply with the following special conditions:

LOCATION MONITORING PROGRAM

You must submit to home detention for a period of 8 months and comply with the Location Monitoring Program requirements as directed by the U.S. Probation Office. You will be restricted to your residence at all times except for employment, education, religious services, medical, substance abuse and mental health treatment, court-ordered obligations, and any other such times specifically authorized by the U.S. Probation Office. The location monitoring technology is at the discretion of the U.S. Probation Office. The cost of the monitoring is waived.

COMPUTER MONITORING

You must submit to an initial inspection by the U.S. Probation Office, and to any unannounced examinations during supervision, of your computer equipment. This includes, but is not limited to, personal computers, personal digital assistants, entertainment consoles, cellular telephones, and/or any electronic media device which is owned or accessed by you. You must allow manual searches of these devices and the installation on your computer of any hardware or software systems which monitor computer use. You must pay the cost of the computer monitoring program. You may use a computer in connection with employment if approved by the U.S. Probation Office, provided you notify your employer of the nature of your conviction and any computer related restrictions that are imposed on you. The U.S. Probation Office will confirm your compliance with this notification requirement.

CONSENT TO SEARCH

You must submit your person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

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FINANCIAL DISCLOSURE

Upon request, you must provide the U.S. Probation Office with full disclosure of your financial records, including co-mingled income, expenses, assets and liabilities, to include yearly income tax returns. With the exception of the financial accounts reported and noted within the presentence report, you are prohibited from maintaining and/or opening any additional individual and/or joint checking, savings, or other financial accounts, for either personal or business purposes, without the knowledge and approval of the U.S. Probation Office. You must cooperate with the U.S. Probation Officer in the investigation of your financial dealings and must provide truthful monthly statements of your income. You must cooperate in the signing of any authorization to release information forms permitting the U.S. Probation Office access to your financial records.

NEW DEBT RESTRICTIONS

You are prohibited from incurring any new credit charges, opening additional lines of credit, or incurring any new monetary loan, obligation, or debt, by whatever name known, without the approval of the U.S. Probation Office. You must not encumber or liquidate interest in any assets unless it is in direct service of the fine and/or restitution obligation or otherwise has the expressed approval of the Court.

OCCUPATIONAL RESTRICTIONS

As a further special condition of probation, you must refrain from operating any money wiring transfer/currency exchange business without permit or authorization from the appropriate authorities.

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STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

- 1) You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
- 2) After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
- 3) You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
- 4) You must answer truthfully the questions asked by your probation officer.
- 5) You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 6) You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
- 7) You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have fulltime employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
- 8) You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
- 9) If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
- 10) You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
- 11) You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
- 12) If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

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STANDARD CONDITIONS OF SUPERVISION

13) You must follow the instructions of the probation officer related to the conditions of supervision.

For Official Use Only - - - U.S. Probation Office

Upon a finding of a violation of probation or supervised release, I understand that the Court may (1) revoke supervision or (2) extend the term of supervision and/or modify the conditions of supervision.

These conditions have been read to me. I fully understand the conditions, and have been provided a copy of them.

You shall carry out all rules, in addition to the above, as prescribed by the Chief U.S. Probation Officer, or any of his associate Probation Officers.

(Signed) _____
Defendant Date

U.S. Probation Officer/Designated Witness Date

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FINE

The defendant shall pay a fine of \$80,000.00.

This fine, plus any interest pursuant to 18 U.S.C. § 3612(f)(1), is due immediately. If defendant is unable to pay the fine in 30 days, the fine shall be paid in monthly installments of no less than \$500.00, to commence 30 days after the date of this judgment.

The Court will waive the interest in this case.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVT A assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.